

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2079 of 2007

DATE OF DECISION: 09-02-2007

1.Ramesh Kumar son of Sh.Bharat Singh r/o V&PO Sakra District Kaithal presently working as Assistant Draftsmn O/o District Town Planning, Kurukshetra.

2.Prem Kumar son of Sh.Hukam Chand r/o V.Depal P.O. Dhandheri District Hisar presently working as Assistant Draftsman O/o District Town Planner, Fatehabad.

.....PETITIONERS

VERSUS

1.State of Haryana through its Financial Commissioner & Principal Secretary to Govt. Haryana, Town and Country Planning Department, Haryana CivilSecretariat, Chandigarh.

2.Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

3.Haryana Staff Selection Commission through its Chairman Bays No.67-70, Sector-2, Panchkula.

4.Haryana Staff Selection Commission through its Secretary Bays No.67-70, Sector-2, Panchkula.

5.Chief Minister, Haryana, Civil Secretariat, Chandigarh.

6.Sh.Bijender Singh son of Sh. Ram Diay r/o V&PO Sanghi (Rohtak) through Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

7.Sh.Dev Kumar s/o Sh. Ram Karan Pana Maidyan Kilo-i-Khass V&PO Kilo-i (Rohtak) through Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

8.Sh. Satish Kumar son of Sh.Rattan Singh r/o V&PO Kheranti, Meham (Rohtak) through Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

9.Sh. Rakesh son of Sh.Ishwer Singh r/o H.No.156/3, Near S.D.Sr. Sec. School, Hanuman Nagar, Narwana (Jind) through Director Town & Country

Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

10. Miss Sonia d/o Sh. Ishwar Kumar r/o V.Handdhehar P.O. Dhanauri (Jind) through Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

11.Sh. Ashok Kumar son of Sh. Banarsi Dass r/o 294/5 Vikas Nagar, Phoosgarh Road, Karnal through Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

12.Sh. Kanshi Ram son of Krishan Kumar r/o V&PO Kardoha (Jhajjar) through Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

13.Sh. Dinesh Kumar son of Sh.Chander Pal r/o V&PO Ujhana (Jind) through Director Town & Country Planning, Haryana, Old Estate Office Building, Ayojana Bhawana, Sector 18-A, Chandigarh.

.....RESPONDENTS

**CORAM:- HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR.JUSTICE R S MADAN**

PRESENT: Mr.RN Sharma, Advocate
for the petitioners.

R S MADAN, J.

It is the case of the petitioners that respondent No.4 advertised 11 posts of Junior Draftsman in the Department of Town and Country Planning, Haryana under advertisement No.4/2006 category No.10. The closing date for receipt of applications was 05-06-2006. The relevant part of advertisement dated 06-05-2006 has been being annexed as Annexure P1 and is reproduced as under:

“Advt.No.4/2006

*Cat.No.10: 11 post of Junior Draftsman
(General=4, SC-B=1,BC-A=2, BC-B=1, ESM
(Gen.)=1, RE (Gen)=2)*

*E.Q.: i) Matric or its equivalent
ii) Intermediate in Architecture*

OR

Successful completion of three year degree course in Architecture from an institution.

OR

Three Year Diploma in Architectural Assistantship from an institution with two years experience as a draftsman in an Architectural or Town Planning Office.

OR

Diploma Certificate in Civil Draftsman from an institution with three years experience in an Architectural or Town Planning Office.

iii) Knowledge of Hindi up to Matric standard.

Scale of Pay: 5500-9000 Age 17-40 years”

On the basis of the interview, the result was declared but one post of ESM (General) remained vacant due to non-availability of eligible candidates. The petitioners claim that they fulfilled all the qualifications and experience and, therefore, were to be appointed against the said post.

We have perused Annexures P2 and P3 by which the applications of the petitioners were rejected as they were not fulfilling the conditions of requisite experience.

Another contention of the counsel was that the candidates selected from the list were either from constituency of Chief Minister (Rohtak) or from the constituency of his son and the other candidates were selected from Village Kardoha (Jhajjar), Dhanauri District Jind, Vikas Nagar and Narwana. Therefore, the selection is tainted and based upon

consideration other than merits.

In support of his arguments, he has relied upon the judgment rendered in **Haryana Public Service Commission Vs. State of Haryana and others** reported as 2005(4) RSJ 468. He further contended that all the vacancies advertised are not filled. The Haryana Staff Selection Commission came to a conclusion that no candidate under the Ex-servicemen category was found eligible as petitioner No.1 belongs to General Category and respondent No.2 belongs to Ex-servicemen category. Therefore, they are entitled to be appointed against the vacancy of ESM category, which is a General category.

It is an admitted fact that the applications of both the candidates (Annexures P2 and P3) were rejected by respondent No.1 for want of requisite experience.

So far as the observations made in **Haryana Public Service Commission's case (supra)** is concerned, application of the same is not attracted to the facts and circumstances of the present case. The petitioners have failed to prove on record the malafide attributed by him against the Chief Minister, Haryana. The selection list shows that the candidates belonging to various Districts have been selected and not only from the constituency of the Chief Minister.

We do not find any impropriety and infirmity in the list of selected candidates. Therefore, the present writ petition is devoid of merit and the same is, accordingly, dismissed.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

February 09, 2007
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